

REMARKS

Claims 1-27 were pending in the present application. Claim 7-19 and 24-27 were withdrawn from consideration. By virtue of this response, claim 1 has been amended. Accordingly, claims 1-6 and 20-23 are currently under consideration. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Support for the amended claim can be found throughout the specification and claims as originally filed, and particularly on page 2, lines 19-25. No new matter is believed to have been added.

Rejections under 35 USC § 103

Claims 1-6 and 20-23 are rejected under 35 USC §103(a) as allegedly being unpatentable over Jamison (USPN 6,323,176). The Applicants respectfully traverse this rejection.

The Office Action states that Jamison teaches a pharmaceutical composition comprising echinocandin B complexed with a sugar moiety. Applicants respectfully disagree with this assessment of Jamison. Jamison teaches a chemical modification of echinocandin B by covalent binding of the sugar moiety to the compound, for example column 1, lines 33-35 indicates that the homotyrosine moiety in the cyclic peptide may be O-glycosylated to provide novel compounds of his invention, as demonstrated throughout. This process results in a chemically distinct compound rather than an echinocandin/carbohydrate complex as claimed.

The Applicants assert that pending claims are clearly drawn to an echinocandin/carbohydrate complex which is distinct from and not *prima facie* obvious in view of the glycosylated echinocandin B compound disclosed in the Jamison reference. However, in the interest of furthering prosecution of the pending claims, the claim 1 has been amended to clarify that the carbohydrate is complexed with the echinocandin.

In view of the above arguments and amendment, the Applicants respectfully request withdrawal of the above rejection.

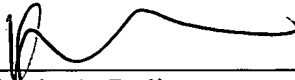
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 342312003801. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 8, 2004

Respectfully submitted,

By 

Kimberly A. Bolin
Registration No.: 44,546
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5740